



May 20, 2024

VIA ECF

Honorable John M. Gallagher
U.S. District Court for Eastern District of Pennsylvania
Edward N. Cahn Courthouse & Federal Building
504 W. Hamilton Street, Suite 4701
Allentown, PA 18101

Re: Marshall, et al. v. Prestamos CDFI, LLC—No. 5:21-CV-04337-JMG (E.D.Pa.)

Dear Judge Gallagher:

This office represents Dave, Inc. regarding the above-referenced matter.

On April 24, 2024, Defendant Prestamos CDFI, LLC issued a Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises to Dave Inc. Dave Inc., through its subsidiary Dave Operating LLC, made timely production of responsive documents on May 8, 2024. Following discussion with counsel for Defendant Prestamos CDFI, LLC, a representative from Dave Inc. executed the attached Declaration certifying the responsive documents pursuant to Rules 803(6) and 902(11) of the Federal Rules of Evidence.

Given its compliance with the April 24, 2024 subpoena and the Declaration certifying the documents, Dave Inc. respectfully requests that it be excused from any obligation to appear at the Court's May 23, 2024 discovery hearing. Neither Dave Inc. nor Dave Operating LLC have qualified employees in Pennsylvania and its appearance would come at significant cost and burden. In the alternative, Dave Inc. and Dave Operating LLC request that a witness be permitted to attend via Zoom.

Counsel for Defendant Prestamos CDFI, LLC, Marcel Pratt, Esquire, does not oppose this request.

Respectfully,

Richard L. Armezzani

cc: All ECF recipients

Exhibit A

2. Dave Operating LLC is a wholly-owned subsidiary of Dave Inc., a Delaware corporation with a principal place of business in Los Angeles County, California.

3. Dave Inc. is the recipient of a Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action issued on April 24, 2024 by Defendant Prestamos CDFI, LLC in the above-captioned matter (hereinafter “April 24, 2024 Subpoena”).

4. On May 8, 2024, Dave Inc., through Dave Operating LLC, made timely production of documents responsive to the April 24, 2024 Subpoena to Defendant Prestamos CDFI, LLC.

5. In my capacity as Director, Risk Operations at Dave Operating LLC, I have personal knowledge of Dave Operating LLC’s business filing records system.

6. Pursuant to Rules 902(11) and 803(6) of the Federal Rules of Evidence, I hereby certify that the documents provided in response to the April 24, 2024 Subpoena (a) were made at or near the time of the occurrence of the matters set forth in the records, by, or from information transmitted by, a person with knowledge of those matters; (b) were kept in the course of regularly conducted business activity; and (c) were made by the regularly conducted business activity as a regular practice.

I hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct to the best of my knowledge.

Dated: May 20, 2024

DocuSigned by:
Mikhail Startsev
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Mikhail Startsev